

Appln No.: 10/019,200
Amendment Dated: February 9, 2006
Reply to Office Action of November 10, 2005

REMARKS/ARGUMENTS

This is in response to the Office Action mailed November 10, 2005 for the above-captioned application. Reconsideration and further examination are respectfully requested.

The Examiner has maintained the restriction requirement and made it final. As a result, only claims 31-43 were considered.

Claims 31, 41 and 42 has been amended in view of the Examiner's remarks. These amendments are believed to overcome the rejection under 35 USC § 112, second paragraph.

Claims 31-43 stand rejected as obvious over US patent No. 6,287,591 of Semple et al in view of EP 0 253 619 of Boller, optionally in view of additional references. Without conceding the correctness of the Examiner's position with respect to the teachings of the references, Applicants submit that US Patent No. 6,287,591 is not art that can be relied upon because of the provisions of 35 USC § 103(c).

The present application and the '591 patent share common inventors and were the subject of an obligation of assignment to the same entity, The University of British Columbia UBC), at the time this invention was made. The examiner is advised that this obligation of assignment was by way of assignment first to Inex Pharmaceuticals Corporation, who in turn had an obligation to assign the invention to UBC. This course of action was followed in the case of the '591 patent, but through oversight the second assignment in this sequence was not previously executed. Prompted by the present rejection, the oversight was discovered, and an assignment has been obtained from Inex Pharmaceuticals and has been recorded in the United States Patent and Trademark Office at Reel 107138, Frame 0317.

Based on the foregoing, Applicants submit that this application is in form for allowance. Favorable reconsideration and allowance of claims 31-43 is respectfully urged. In the event this application is otherwise in form for allowance, the Examiner is authorized to cancel the non-elected claims by Examiner's amendment.

Respectfully submitted,



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